

March 22, 2002

Mary L. Cottrell, Secretary
Department of Telecommunications and Energy
One South Station, 2d Floor
Boston, MA 02110

**RE: Service Quality Standards; D.T.E. 99-84
The Berkshire Gas Company; D.T.E. 01-56**

Dear Secretary Cottrell:

Enclosed for filing please find the joint comments of the Massachusetts Division of Energy Resources ("DOER"), and the Associated Industries of Massachusetts ("AIM"), addressing the Berkshire Gas Company's Service Quality Plan (September 2001), submitted in D.T.E. 01-56 and D.T.E. 99-84.

The joint comments are specific to the Berkshire Gas Company's Service Quality Plan, filed within the context of a rate petition brought under G.L. c. 164, § 94 in D.T.E. 01-56. The comments address: (1) the Department's statutory authority to implement service quality plans as components of a PBR proposal, and (2) the substantive requirements for implementing measures of service quality, including performance benchmarks and revenue penalties.

On January 31, 2002, The Department issued an Order in D.T.E. 01-56. That Order determined that the Service Quality Plan filed by the Berkshire Gas Company in September 2001 in D.T.E. 01-56 would be reviewed and considered in Docket 99-84.

Since the Department has determined that D.T.E. 99-84 is the appropriate proceeding in which to evaluate the Berkshire Gas Company's Service Quality Plan, DOER and AIM are pleased to provide these comments in this docket.

Sincerely,

Carol R. Wasserman
Deputy General Counsel
Massachusetts Division of Energy Resources

Angela O'Connor
Vice President, Energy Programs
Associated Industries of Massachusetts